

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| Joe William McCoy,              | ) | C/A No. 0:13-1955-JFA-PJG |
|                                 | ) |                           |
| Plaintiff,                      | ) |                           |
|                                 | ) |                           |
| vs.                             | ) | ORDER                     |
|                                 | ) |                           |
| Sentencing Judge Paul E. Short, | ) |                           |
|                                 | ) |                           |
| Defendant.                      | ) |                           |
| _____                           | ) |                           |

The *pro se* plaintiff, Joe William McCoy, brings this pursuant to 42 U.S.C. § 1983 contending that the defendant, Judge Paul E. Short, lacked jurisdiction to sentence him in his state criminal proceedings. Plaintiff contends that he has been subjected to false arrest and false imprisonment.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and suggests that the complaint should be summarily dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 27, 2013. However, the

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

plaintiff did not file objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

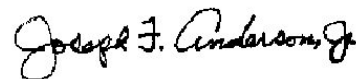
As the Magistrate Judge properly opines, defendant Judge Short has absolute immunity from a claim for damages arising out of his or her judicial actions. As such, defendant Short is entitled to summary dismissal.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court adopts the Magistrate Judge's recommendation proper and incorporates the Report herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

September 23, 2013  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge